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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,370	06/15/2005	Neil A Hankin	GB 020246	4268
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER SYED, NABIL H	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,370

Applicant(s)

HANKIN ET AL.

Examiner

Nabil H. Syed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the trademark term "ZigBee" renders the claim indefinite.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitz (6,078,908).

As of claim 1, Schmitz discloses a method for authenticating an exchange of radio identifiers in a system having a device (via a computer 2; see fig. 2) and a remote control unit (via a data input apparatus 1; see fig. 2), both of which operate in compliance with a predetermined radio protocol, comprising:

exchanging respective radio identifiers (via user sending identification through the apparatus 1; see col. 6, lines 58-62), generating a key sequence to be input for authentication (via computer 2 generating the transaction authorization number TAN (key sequence); see col. 6, lines 63-67), issuing a request to a user for key sequence

to be input (via sending the TAN to the user through the receiver 3; see col. 7, lines 1-4; also see fig. 1); authenticating the input key sequence with that generated (via user entering the TAN number and the computer matching the number with the sent TAN; see col. 7, lines 4-8), and storing the remote control unit identifier to enable control in dependence on authentication (via computer 2 verifying the transaction authorization number TAN and establish a connection between data input apparatus 1 and the receiver 4; see col. 7, lines 10-15; also see fig. 2).

As of claim 2 and 3, Schmitz discloses that the transaction authorization number Tan (key sequence) is randomly generated in the computer 2 (device) (see col. 2 lines 65 through col. 3, lines 1).

As of claim 4, Schmitz discloses that the computer 2 sends the transaction authorization number TAN (key sequence) request through a receiver 3 to the user, wherein the receiver 3 comprises a display (see col. 3, lines 7-9).

As of claim 5, Schmitz discloses that the transaction authorization number TAN (key sequence) request is output on an audio speaker (see col. 4, lines 40-46; also see fig. 1).

As of claim 7, Schmitz discloses that the transaction authorization number is obtained via the input apparatus 1 (remote control) (see col. 7, lines 4-8);

As of claim 8, Schmitz discloses that the authorization signal (key sequence) must be input within a predefined time period (see col. 1, lines 66 through col. 2, lines 1-4).

As of claim 9, it is a system using the method of claim 1 so it is rejected as claim 1 above.

As of claim 10, Schmitz discloses a audiovisual means by which the key sequence request is issued to a user (see col. 3, lines 7-9; also see col. 4, lines 40-46).

As of claim 12, Schmitz discloses that the transaction authorization number TAN (key sequence) is received via a radio receiver 3 (see col. 7, lines 60-64)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 6 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz (6,078,908) in view of Yue (US Pub 2004/0203354).

As of claim 6 and 11, Schmitz discloses all the limitation of the claimed invention as mentioned in claimed 1 and 9 above, but fails to explicitly disclose that the key sequence is input via input means of the device.

Yue disclose a remote access device communication system wherein, Yue teaches that a user communicate with an ATM (device) using a PDA (remote control),

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the user enters the PIN number on the PDA, and then he/she is prompted for a confirmation number (key sequence) via a keypad on the ATM (device).

From the teaching of Yue it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication system of Schmitz to include the step of inputting the key sequence via input means of the device as taught by Yue in order to complete the initiation process for pairing the device and the remote control and further enhancing the security of the system because the user would not want to commence the transaction with the ATM unless the user were at the locale of the ATM (see paragraph [0006], lines 10-14).

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz (6,078,908) in view of Dresti et al. (US Pub 2003/0103088).

As of claim 13, Schmitz discloses all the limitation of the claimed invention as mentioned in claim 9 above but fails to explicitly disclose that the communication protocol used in the system is a ZigBee radio protocol.

Dresti disclose that a remote control system which uses the ZigBee protocol to communicate between the remote control and electronic devices (see paragraph [0097]).

From the teaching of Dresti it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication system of Schmitz to use the ZigBee protocol as taught by Dresti, since it was well known in the art that different radio protocol like, Bluetooth, 802.11 or Zigbee could be used for radio communication.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil H. Syed whose telephone number is 571-270-3028. The examiner can normally be reached on M-F 7:30-5:00 alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nabil H Syed
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Art Unit 2612

N.S


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